



Appeal Decision

Site Visit made on 5 March 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/R4408/Z/20/3265841

32 Summer Lane, Barnsley S70 6BN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/0877, dated 24 July 2020, was refused by notice dated 6 November 2020.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on public safety in relation to road users and visual amenity of the area.

Reasons

Public safety

3. It is apparent from my site visit that Summer Lane, which is relatively straight in alignment, is heavily trafficked with multiple junctions positioned in close proximity to each other, including those junctions with Fitzwilliam Street, Crookes Street, Wharnccliffe Street, two access points for the petrol filling station and the Townend roundabout. All these junctions, as well as a pedestrian crossing are within close distance to the appeal site.
4. The proposal would replace an existing 48 sheet poster with a digital poster of similar size. The proposal would only display static advertisements however, the screen would be LED illuminated and the advertisements would change. Whilst not visible on northbound approach along Summer Lane, the proposal would be a dominant feature that would be visually prominent within the surrounding area, in particular on southbound approach on Summer Lane. I note that the switch between advertisements would be silent and instantaneous however, this change would still have the potential to create visual confusion that could lead to motorists being distracted and thus posing a threat to other road users and pedestrians.
5. My attention has been drawn to a number of vehicle related accidents that have occurred within a five year period up to 31 December 2019, that have happened in close vicinity to the site. The appellant has provided information on these accidents and concluded that they were all of slight severity and that

the pattern does not suggest any problem with the presence of the existing advertisement at the site. The Crashmap data in appendix B of the Vectos Highways Safety Report (VHSR), does not appear to offer any reasoning for the accidents and whether or not there were any specific distractions that led to them. The number of recorded accidents within close proximity to the appeal site demonstrates that the road network in the area cannot be considered as relatively safe, regardless of the severity of the accidents being categorised as "slight".

6. The appellant contends that the proposal is sufficient distance away from the pedestrian crossing south of the site, that there is no conflict with traffic signs and sightlines are good from the existing junctions in the area. Nevertheless, given the location and visual prominence of the proposal, I remain concerned that the advertisement could distract drivers, in an area with multiple junctions when highway concentration is necessary.
7. Accordingly, I find that the proposal would have a harmful effect on public safety. The proposal would be contrary to Policy T4 of the Barnsley Local Plan 2019 (BLP) and the Barnsley Local Plan Supplementary Planning Document Advertisements 2019 which seek advertisements, amongst other things, to consider the impact upon the safety of pedestrians and vehicles, and provide transport users with safe, secure and convenient access and movement.
8. I have had regard to the appellants statement of case and VHSR including reference to the Transport for London document¹ and comments that the presence of offside advertising hoardings adjacent to the motorway network and principal routes in urban areas is commonplace in the UK. These matters however, do not outweigh the harm I have found above.

Visual amenity

9. The surrounding area is characterised predominantly by a mix of commercial and residential built development. The appeal site is located at the end of a row of terraces and the proposal would face onto a petrol filling station. Due to the commercial units in the immediate vicinity, there is a wide variety and number of advertisements and signage which contribute to the character of the area.
10. The proposal would be similar in size to the existing advertisement at the appeal site. Whilst I note the Council's comments in relation to the history of this existing advertisement and that it may not have received formal consent, the advertisement is an existing prominent feature of the street scene. In visual amenity terms, the proposal would not differ significantly from the existing advertisement. The proposed size and siting of the proposal would not appear unsympathetic when viewed against the commercial nature of the area that the advertisement would primarily face. Due to the proposal effectively been an upgraded replacement of an existing advertisement, I do not consider that it would result in over-commercialisation in the locality.
11. The proposal would not have a harmful effect on the visual amenity of the surrounding area and would not be contrary to Policy D1 of the BLP which seeks proposals to be of a high quality of design.

¹ Transport for London (TfL) document, 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (2013)

12. I have had regard to the Council's statement of case including reference to two appeal decisions². However, I do not consider these schemes to be directly comparable to the appeal proposal, particularly with regards to location. In any case, I have determined this appeal on its own merits.

Conclusion

13. I have found that the proposal would not compromise the visual amenity of the surrounding area. However, this does not outweigh the harm I have identified with regards to public safety and the conflict with the development plan.
14. I conclude for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

² Planning Inspectorate Reference Numbers: APP/R4408/Z/20/3252789 & APP/R4408/Z/20/3260848